

Bell. (6)



[Reprinted from THE MEDICO-LEGAL JOURNAL.]

SHALL WE HANG THE INSANE WHO COMMIT HOMICIDES?*

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THE execution of Dr. L. U. Beach, on 12th February, 1885, at Holidaysburgh, Pa., presents questions worthy the attention of thoughtful jurists and publicists, not only of the State of Pennsylvania, but everywhere. It is the more important now that the public mind of all Christendom is studying the grave problems of Lunacy Reform, and when Great Britain, France, Austria, Italy and many of the American States are debating how best to meet recognized evils in their existing lunacy statutes.

Pennsylvania seems destined to hold important relations to the pending discussion. She has occupied a prominent and distinguished position in Lunacy Reform by the recent modification of her lunacy statutes, and becomes all the more conspicuous now, as the theatre of that interesting tragedy, which forms the issue presented by the seeming judicial homicide of Dr. Beach.

The question has, like most others, a two-fold aspect, and must be regarded from both stand points.

There is much to be said in favor of the public execution

* Read before the Medical Jurisprudence Society of Philadelphia, April 14th 1885.





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of the insane for capital offences, and there can be little doubt, that society has the same right to execute insane criminals ; (if such a term is admissible) if it can be felt that it would tend to the prevention of offences by others, or could be regarded in any broad and strong sense, as protecting society from the danger of assaults that threatened seriously its peace or permanent good.

The sane criminal is not executed by operation of law as a punitive, but as a preventive measure ; and it is only defensible when, for the greater good of the living, Governments justify themselves in instituting proceedings under recognized forms of law to take human life, even as a *quasi* punishment for crime.

If the public executioner has a restraining influence upon those liable to commit high crimes, if the fear of the scaffold deters the murderer from the awful act ; who can say that the sanity or insanity of the homicide affects the moral or restraining power of the scaffold, as a repressive force, in its effect upon the minds of men likely or even liable to commit crime.

Dr. Wm. A. Hammond, the eminent alienist, not long since publicly advocated the execution of Guiteau, of whose insanity he entertained no doubt. He regards the execution of the insane as an important factor in its general influence upon the insane themselves, and claims with great force that these unfortunates are susceptible to restraining influences from the penalties thus inflicted, in which opinion I do not doubt many superintendents of asylums would concur.

Many insane in and out of asylums, feeling no danger of punishment, because conscious of their insanity and

legal irresponsibility, would be susceptible to the restraining influence of laws that punished sane and insane alike for violations of law.

Sir James Fitz James Stephens, in his masterly treatise on the History of the Criminal Law of England, says, in discussing this question :

“ Little or no loss is inflicted on either the madman himself, or on the community, by his execution.

“ It is indeed more difficult to say why a dangerous and incurable madman should not be painlessly put to death as a measure of humanity, than to show why a man who, being both mad and wicked, deliberately commits a crime as murder, should be executed as a murderer.” (p. 178.)

Asylum Superintendents will generally concede that from their experience the insane are susceptible to and influenced by measures punitive in their nature, (particularly in institutions) which greatly tend to control and affect their action.

Methods of treatment, seclusion, mechanical restraints, and various practises resorted to in the government and control of the insane, in and out of asylums, involve the same principle concerned in this discussion.

The life of an insane person cannot be regarded as more valuable and precious to society, than any other human life, in determining the general good of the community, and should be measured only in its social and political sense, when considering the general welfare of a nation or a people.

Up to the present hour no State or country has deliberately provided for the execution or punishment of the insane. Thus far Christendom has, with one accord, when speaking by statutes, ordained that insanity was a complete defense to a charge of crime.

The common law of England, the Roman law, the oldest and the latest codes governing human action and responsibility, have forbidden the execution of the insane. The principle upon which this distinction and reservation has been made, is based upon motive and intention.

The essential element of crime is motive. No crime in the legal sense can be committed without deliberate intention. If it is believed that insanity has obscured the intellect and deranged the faculties of sense and will of the insane homicide, he should not be held responsible for acts which were committed while his faculties were impaired by disease that prevented the free exercise of his will or mind. Absence of motive, and of any rational cause or intention, become frequently most important elements in criminal investigations.

Still, under the forms of law, by the sometimes uncertain methods of its administration, under the legal tests usually applied in determining questions of responsibility, and of forms or grades of insanity, it constantly happens that persons confessedly and undoubtedly insane, are convicted of high crimes and sentenced to death.

Two conspicuous cases have recently occurred in England (Gouldstone and Cole), the case of Guiteau, in Washington, D. C., and two in your State of Pennsylvania within the last year (the case of Joseph Taylor, convicted of murder in the Court of Quarter Sessions of Philadelphia, Oct. 31, 1884, and the case of Dr. L. U. Beach, convicted at Holi-daysburgh of murder, and executed February 13, 1885.)

There would be little doubt, I take it, among alienists, as to the insanity of all these accused persons.

All were convicted by juries where the defense of insanity

was interposed. In the three former, under judicial interpretation of the law, which, conceding insanity to exist, held the accused responsible if able to discriminate between right and wrong, to comprehend the nature and character of the act, and to understand the penalty prescribed by law for the punishment of such an offence.

In assuming that alienists everywhere would concur in the insanity of these persons, I do not mean to awaken or reopen the old discussion of *responsibility*, more particularly in the case of Guiteau.

While many would differ as to how far he was responsible for his acts, and as to what extent his will and conduct was dominated by his insanity, few would claim that his brain was normal and healthy, nor since the autopsy could doubt that his brain was to some extent diseased; nor could they seriously question the charge of the judge as to the existing law, or the verdict of the jury under that charge. As in the cases of Gouldstone and Cole, he and they well knew the nature of their acts and its penal consequences, and the juries could do nothing less under the charges made by the judges than convict, even though they found that the accused were insane, because well aware of the nature and consequences of their acts in each case.

The two English cases were, however, examined by a commission of alienists, appointed by the Crown after conviction and sentence, and pronounced unquestionably insane. Their sentences were commuted, and they were placed in an asylum, during her Majesty's pleasure, under the English law.

The American cases, although insane, were executed, and no steps taken in the case of Guiteau or Beach to have a competent commission of alienists pass upon the question of their insanity.

The Governor of Pennsylvania was applied to, to order such a commission in the case of Dr. Beach after conviction, and shortly before execution, and to grant a respite until such a commission should be able to examine the case and report.

This application was refused by Governor Pattison, under the belief, doubtless, on his part that—

1. Either he had not the power to grant a respite for such a purpose ; or,

2. That the action of the Board of Pardons in refusing to grant a commutation of the sentence was conclusive and binding upon the Executive, he having no power of pardon or commutation under Pennsylvania law.

This brings us face to face with the question, in the State of Pennsylvania, as to whether an insane prisoner should be executed, where there is reasonable cause to believe that insanity exists.

Under the law of England, an inquisition can be ordered after conviction and sentence, as to the insanity of an accused person, and on the finding that the party is insane, the accused is placed in an asylum.

In New York such a proceeding may be taken before or after trial, and if the prisoner is found insane, he would be sent to the Asylum for Insane Criminals, at Auburn, N. Y.

I submit portions of a correspondence between Gov. Hill, of New York, and the writer, to illustrate the practical working of the law of New York in capital cases, by the Executive of that State :

STATE OF NEW YORK, EXECUTIVE CHAMBER, {
ALBANY, April 7, 1885. }

Hon. Clark Bell, 128 Broadway, New York City :

DEAR SIR—By direction of the Governor, I forward copies of an order issued by Gov. Cleveland, and the report of the commissioners thereunder ; also of the order recently issued by Gov. Hill, and the report thereunder,

in the two recent capital cases where it was claimed the convict had been or was insane. I also give copy of statute under which the commissioners in these cases were appointed.

The Governor desires me to say that the system pursued not only secures justice to the criminal, but also satisfies the Executive in cases in some particulars the most difficult of decision of any that come before him.

Very truly yours,

WILLIAM G. RICE, *Private Secretary.*

ORDER APPOINTING A COMMISSION TO EXAMINE INTO THE MENTAL CONDITION
OF WILLIAM HENRY OSTRANDER.

STATE OF NEW YORK, }
EXECUTIVE CHAMBER. }

I hereby appoint Doctor Judson B. Andrews, of the city of Buffalo, and Doctor Edward N. Brush, of the city of Utica, commissioners to examine William Henry Ostrander, now confined in the Oneida County jail under sentence of death, and to report the facts as to the condition of the prisoner and their conclusions as to his sanity, to me in writing, on or before Tuesday, August seventh, instant.

Given under my hand and the privy seal of the State, at the Capitol, in the city of Albany, this third day of August, A.D. 1883.

By the Governor: DANIEL S. LAMONT, *Private Secretary.*

REPORT OF COMMISSION APPOINTED TO EXAMINE WILLIAM HENRY OSTRANDER.

UTICA, N. Y., August 6th, 1883.

To the Honorable Grover Cleveland, Governor:

SIR—In accordance with the instruction contained in your commission directed to us, we have made a personal examination of the prisoner, William Henry Ostrander, now in the Oneida County jail under sentence of death.

We have also examined and heard Mr. Cronin, the jailor; Mr. Appleton, late jailor at Utica; Mr. Anderson, late jailor at Rome; Dr. Holden, jail physician at Utica; Dr. Evans, jail physician at Rome; Mr. Barnett, the prisoner's counsel, and others

From our examination of the prisoner, and from the testimony of the above mentioned witnesses, we are of the opinion that the prisoner, William Henry Ostrander, is not insane, and respectfully so report.

J. B. ANDREWS,
E. N. BRUSH.

STATE OF NEW YORK, }
EXECUTIVE CHAMBER. }

I hereby appoint Carlos F. MacDonald, M.D., of the city of Auburn, and William C. Wey, M.D., of the city of Elmira, commissioners to examine George H. Mills, now confined in the Kings County jail under sentence of death, and to report their conclusion as to his present sanity, and their opinion as to his sanity at the time of the commission of the act for which

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he was convicted. Such report to be made to me in writing, on or before April 6th, proximo.

Given under my hand and the privy seal of the State, at the Capitol, in the city of Albany, this 25th day of March, A.D. 1885.

(Signed)

DAVID B. HILL.

By the Governor : WILLIAM G. RICE, *Private Secretary*.

To the Hon. David B. Hill, Governor of the State of New York :

SIR—The undersigned, commissioners appointed by you to examine George H. Mills, now confined in the Kings County jail under sentence of death, and to report their conclusions as to his present sanity, and their opinion as to his sanity at the time of the commission of the act for which he was convicted, such report to be made in writing on or before April 6th, 1885, respectfully submit : That they carefully examined the said George H. Mills on the first and second days of April inst., and also took statements from Charles B. Farley, Sheriff ; Martin V. B. Burroughs, warden ; the Rev. Job G. Bass, chaplain ; Dr. A. Warren Shepard, physician ; Patrick Shevlin, keeper, in said jail ; also Hon. Henry A. Hoose, County Judge ; Mark D. Wilber, Esq., prisoner's counsel ; John E. Barnes, Esq., clerk to prisoner's counsel ; Dr. Edward C. Mann, of Brooklyn ; Andrew Mills and Thomas H. Mabee, of the city of New York, and Samuel B. Mills, Samuel Robert Mills, and Peter Hudson, of the city of Brooklyn ; and further, that they have read the testimony in the case as furnished them by your Excellency, from stenographic notes ; and acting upon the information derived from these several sources, they have arrived at the conclusion that the said George H. Mills, at the date of the commission of the act for which he was convicted, was not insane, and is not now insane.

CARLOS F. MACDONALD,

WILLIAM C. WEX,

BROOKLYN, N. Y., April 2, 1885.

Commissioners.

COPY OF LAWS AUTHORIZING EXECUTIVE ACTION.

Laws of 1871, Chap. 666.—An act to authorize judicial inquiry as to the sanity of persons indicted for capital offences. (Partly superseded by Code Crim. Proc., Secs. 658-662.)

Powers of oyer and terminer to inquire as to the sanity ; may appoint commission to examine and report ; prisoner, how remanded, if insane.—Section 1. The Court of Oyer and Terminer, in which any indictment may be pending against any person for any offence, the punishment of which is death, shall have power, with the concurrence of the presiding judge of such court, summarily to inquire into the sanity of such person, and the degree of mental capacity possessed by him, and for that purpose may appoint a commission to examine such person and inquire into the facts of his case, and report thereon to the court ; and if the said court shall find the person insane, or not of sufficient capacity to undertake his defense, they may by

order remand such person to such lunatic or other asylum as, in their judgment, shall be meet, subject as to the future disposition of the person to all the provisions of chapter twenty, part first, article second, title third, of the Revised Statutes. 3 Abb. N. C., 200.

Powers of the Governor after conviction.—Sec. 2. The Governor shall possess the same powers conferred upon courts of Oyer and Terminer in the case of persons confined under conviction for offences for which the punishment is death.

NEW YORK CASES.—David Montgomery, sentenced to death for killing his wife at Rochester, N. Y., November 30, 1870. Hereditary predisposition to insanity existed in his family. Court appointed commissioners to examine as to his sanity, who reported that he was tainted with strong tendency to insanity and epileptic seizures, with violence. Notwithstanding the report, he was tried, to satisfy public clamor, and was convicted. After conviction and sentence, he was examined by competent alienists in Rochester jail, who pronounced him insane. The Governor then appointed a lunacy commission, who corroborated his insanity, and he was sent to the State Asylum for Insane Criminals, at Auburn, New York. There are nearly 200 insane persons at the New York State Asylum for Insane Criminals, at Auburn, a large number of whom are for completed or attempted homicide. I do not now recall a case where any insane homicide has been executed in New York. The practical investigation before or after conviction always sets the question at rest.

ENGLISH CASES.—Besides the cases of Gouldstone and Cole, the case of Joseph James Donnelly may be cited, who was tried and sentenced to death for the murder of his sister, and severely wounding his mother.

He was respited under the English statute, after conviction, upon a medical examination, and sent to an insane asylum.*

* Lancet, August 9, 1884.

It is not unusual in acute attacks of insanity of the form of Dr. Beach, that it is accompanied by a more or less complete unconsciousness of the act and its details.

M. G. Echeverria, M.D., in *Journal of Mental Science*, (April, 1855), cites many interesting cases of this character.

THE CASE OF FREDERICK MARSHALL.—He was committed for trial at the Central Criminal Court in London for the murder of a girl at Woolwich.

The Home Secretary, under the act of 3 and 4 Victoria, and 27 and 28 Victoria, removed Marshall to Broadmoor Lunatic Asylum before trial, on report of medical inquisition of two medical witnesses, and the order of two justices.

Baron Huddleston has decided that, under present English law, a man charged with the gravest crime, may, on the certificates of two medical men and two justices, be withdrawn by the Secretary of State from trial; and this, also, without open examination of witnesses or cross-examination.

Dr. Orange, a celebrated alienist of England, formerly President of the British Medico-Psychological Association, in his presidential address, delivered before that body in 1883, stated, and gave the dates and figures, that down to the end of 1882 there had been admitted into Broadmoor Asylum eighty persons, who had been certified to be insane while awaiting trial, of whom forty-eight were charged with the crime of murder.*

The laws of Pennsylvania provide (Sec. 29, Lunacy Laws of 1883, p. 21):

“Whenever any person, detained in any gaol or prison, is insane, or in such condition as to require treatment in a hospital for the insane, it shall be the duty of any law judge of the court, under whose order the person is detained, upon application, to direct an inquiry into the circumstances,

* *Journal of Mental Science*, Oct., 1883, p. 336.

either by a commission or otherwise, as he shall deem proper, with notice to the committee on lunacy, and if the judge shall be satisfied that the person confined requires treatment in a hospital, he shall thereupon direct the removal of the said person from the gaol or prison to a State hospital, which order shall be executed by the Sheriff of the county, or his deputy, and the actual expenses of such removal and the expenses of maintaining the person in the hospital, shall be paid by the county liable for the maintenance of the said person in the gaol or prison from which he is removed."

This provision would have authorized a proceeding, in the nature of an inquisition, before the law judge who had jurisdiction of a prisoner claimed to be insane, but the language of the section is peculiar—"and if the judge shall be satisfied that the person confined requires treatment in a hospital," &c. &c.

By Sec. 1, Act of 1874, p. 160, Laws of Pennsylvania, it was provided: That when any person is imprisoned, convicted of any crime whatsoever, application may be made by the prison officials, or the Board of Public Charities were authorized to apply to any court having cognizance of the crime, or to any law judge of any such court, for a commission which the judge or court is authorized to appoint, consisting of three persons, one of whom shall be a lawyer and one a physician, "whose duty it shall be to inquire and report upon the mental condition of such prisoner," and if a majority of such commission report: "*that the prisoner is of unsound mind and unfit for penal discipline,*" the judge who named the commission, or any other judge, may order the prisoner removed to the hospital for the insane, nearest the court, or to the hospital for insane criminals when established.

§ 2. Same act provides generally that all persons who may have committed a criminal act and are dangerous to the community, who shall be found insane in the manner provided by law, etc., that it shall be lawful for any court having cognizance of the crime to commit the prisoner to the State hos-

pital for the insane "*for so long a time as such person shall continue to be of unsound mind.*"

It would seem that these statutes were rarely invoked in the State of Pennsylvania, and I am unable to learn that any attempt was made by the counsel or friends of Dr. Beach to have an inquisition under their provisions.

There is no law in Pennsylvania of the character of that in New York requiring or authorizing executive action, and the practice seems rather to make appeal to the Court of Pardons, which has no authority under the Pennsylvania laws to order an inquisition. The Governor would be the proper officer to act in such case, and his powers and duties should be definitely fixed by law in such cases. The Board of Pardons are hardly competent to pass upon a question of insanity (in doubtful cases at least) without the aid of skilled evidence, and the executive should be authorized and directed by law to order an inquisition in any doubtful case after conviction. If found insane the accused should be ordered by law into the State hospital for insane criminals.

There is not much reliance to be placed upon the verdict of juries in murder cases where insanity is pleaded as a defense, especially where the crime itself is atrocious, as is usually observed in homicides by lunatics.

Public clamor and the universal prejudice against this plea, render verdicts by juries very unreliable and uncertain, but an inquisition as to the single question of sanity or insanity, before or after trial, by competent alienists, usually reaches the truth, and promotes the ends of justice.

If it is thought wise or best to execute the insane for acts which, if committed by the sane, would be punished by death, the laws should be so amended as to provide for it; but

if the laws are intended to prevent the public execution of the insane for alleged crimes, then some provision should be made, making it the duty of the executive to order an inquiry in cases of alleged insanity, to prevent the scandals arising upon the fair fame of the State of Pennsylvania, or on other American States, in such cases as that of Dr. Beach, or similar cases.

If it is claimed that the Governor has power to grant a respite in Pennsylvania in a proper case, and to order an inquiry after sentence, under existing laws, he may refuse to interfere, as in the case of Dr. Beach, because if the commission should find the person accused insane, the Governor could not pardon nor commute the sentence, and he might refuse to invoke a remedy, which the law would render him powerless to apply, even if the insanity was determined beyond a reasonable doubt on the inquiry.

As to the several cases cited, a word may be thought of value as to the question of insanity. In the English cases all doubt is removed by the finding of the eminent alienists selected by the government to make the inquiry.

Like doubts would have been removed if similar action had been taken by President Arthur, in the case of Guiteau, after the conviction and sentence, or by his friends or counsel by inquiry before trial.

No one can doubt that such an inquiry in the two Pennsylvania cases of Dr. Beach and Joseph Taylor, would have set at rest forever the question of the sanity and responsibility of both, or of either.

The case of Joseph Taylor has been very well stated by Dr. Clark Mills, in his paper read before the Medical Jurisprudence Society of Philadelphia, Nov. 11, 1884, who carefully

defined Taylor's insanity and explains the peculiar circumstances which led to his conviction.

The case of Dr. L. U. Beach is more remarkable, and it may be of interest to give a brief history of its leading features. Dr. Beach was of insane lineage and was shown to have been subject to acute attacks during his life.

The circumstances of the crime itself presented strong presumptive evidences of mental aberration. The only record of the evidence given on the trial is that furnished by the newspaper press reports of the trial, which are stated by his counsel to be sufficiently accurate for our present purpose.

THE CASE OF DR. BEACH.

I am indebted to Hon. A. S. Landis, senior counsel for Dr. Beach, of Holidaysburg, and to G. H. Spang, Esq., associated with Mr. Landis in the defence, for the copy of petition filed in his behalf before the Board of Pardons, from which I have made very full extracts.

EXTRACT FROM PETITION TO BOARD OF PARDONS.

Dr. L. U. Beach was indicted in Blair county, for the murder of his wife, Mary Beach, on the morning of the 7th April, 1884. On that morning, at about 6.30 o'clock, he appeared at the house of Levi Knott, his brother-in-law, and said to him, "Levi, Mary is dead." Knott said, "What?" Beach said, "Mary is dead." Knott said, "What is the matter?" He replied, "She is lying down there in her own blood. I killed her. You can take me out and shoot me, and do what you please with me."

Knott at once took Beach with him, to go to the Mayor's office, and on the way stopped at the house of Mrs. Fleck, a sister-in-law of the dead woman. He was confused and conflicting in his accounts of the occurrence, though a short time after he steadfastly declared he had no knowledge of committing the act. He was submissive, and disposed to do everything asked of him. He gave Knott the key of the house, and was then temporarily committed to the lock-up.

The defendant, with his wife, lived in two rooms on Eleventh Avenue, in Altoona, in a two-story frame building. The lower floor was occupied

by Charles Shannon, a watch maker. The two rooms above were approached by an outside stairway, terminating at a door leading into the front room, used as the kitchen. Near that door another door opened into the back room, which was the bedroom. When Knott and others entered those rooms after receiving the key, they found the bed in the back room had been occupied by two persons. The bed clothes were tossed toward the foot. A woman's clothing lay upon a chair at one side of the bed. A few drops of blood were upon the pillow, and blood marks were upon the rail and post of the bed. Drops of blood on the floor led to the door, and on the knob of the outer door was blood. It had been locked, and the woman could not escape. The trail led to a window looking on the street, where were some marks of a bloody hand. Upon the floor were one or two pools of blood. Immediately behind the door lay the body of the dead woman. The limbs were carefully composed, and a sheet or cover was laid over the corpse. There was no blood upon the face. Alongside of the body were placed, in an orderly manner, two large surgeon's knives, and a small cleaver. All had blood upon them. At about 10 o'clock, in the presence of the coroner and his jury, Dr. W. R. Findley examined the body. The clothing upon the woman's person was saturated with blood. There was still a little warmth under the body. She had been dead about five or six hours. Her throat had been cut from ear to ear. There had been more than one cut, and it had been done with a sharp instrument. It was cut deeper on the left side than on the right. The wind-pipe was not quite severed, and the vertebrae in the neck were partly severed. The thumb and a finger on the right hand were cut as though a knife had been drawn through them. One of the fingers of the left hand was wounded, and there was a punctured wound upon the left fore-arm. These wounds produced death, and for inflicting them and thus killing the woman, Dr. Beach was indicted for murder. On the trial the foregoing facts were shown by the witnesses of the Commonwealth.

When arraigned the defendant pleaded "not guilty," and his counsel set up for him the defence of insanity at the time of the act. A large number of witnesses were called, and their testimony elicited the following facts entering into the history of the case :

L. U. Beach was the son of L. L. Beach, a farmer living in Bradford county, Pa. He was born in 1840. In 1857 or 1858 he was attacked with some malady which, after continuing for some weeks or months, left him greatly reduced physically, and affected mentally. He recovered his bodily health, and roamed about the country a lunatic. He conceived extravagant enterprises and impossible expeditions of travel and foreign adventure. He would sit down at a desk and pretend for an hour at a time to be writing, though he had neither pen nor paper. He would lie awake at nights and sing and whistle for hours. At other times he would rise at unusual hours and call at neighboring farm houses, waken the occupants, and insist on casting a devil out of a sore toe, or out of a sick person. These things

were frequent and well known to the neighborhood, and he was called by many of the people "crazy Beach." He was, after awhile, the subject of medical treatment by different physicians, who pronounced him insane, but improved so much in time that he completed his education, and having entered upon the study of medicine, received a diploma from some institution of the eclectic school in 1862 or 1863. During this, his first period of insanity, he was entirely inoffensive. Naturally his disposition was gentle, modest and kind, and he shrank from the commission of acts of unkindness or cruelty.

In December, 1864, he was married to Mrs. Frank Beach, a daughter of Dr. D. H. Sweeney, notwithstanding she had been warned of his previous insanity, and against the wishes of her father, who had, in 1858, treated young Beach as an insane patient.

In 1865 she was startled one night whilst awaiting her husband's return at hearing a loud voice proceeding from the stable. On repairing thither she discovered that it was Dr. Beach praying in a loud and incoherent manner. With some difficulty he was induced to return to his house, but she was obliged to remain up with him all night. She took him to his father the next morning, and after two or three days he was restored to his normal condition.

He had frequent returns of such attacks indicated frequently by reading the bible, praying, and proclaiming his purpose to preach the gospel, though when sane he was indifferent on the subject of religion.

He was easily influenced during these attacks to make purchases, sign notes, or part with his property. He was induced on one occasion to purchase from a travelling patent right agent a wind w fastener for the territory of Missouri, less St. Louis, for \$500. He gave the seller his horse and buggy, all the money he had, a sleigh and his wife's watch, all amounting to much more than \$500. He was at the time poor, and the horse and carriage were indispensable to him in his practice.

He was visited once by some neighbors who found him sitting in his house with his hands upon his knees, in a state of abject despondency. He said his whiskers and hair were dead and "death was man's best friend." He imagined some threatening evil, and was only roused from his despair by those friends carrying him off a few miles to their home. Whilst there he would wander about the house during the hours of the night, occasionally indulging in loud unprovoked laughter, and over and over saying "death was man's best friend."

On another occasion he, with his wife, drove through the rain and snow of a November day some fifteen miles, to visit his wife's sister, Mrs. Terry, where they were to remain a day or two. His conduct and driving were strange, and perilous to himself and wife. They arrived at dark, and against all urgency, refused to have his horse put away, declaring he must return to attend a sick patient, which his wife declared was not true. He refused to remove his wet overcoat even during the eating of his supper ;

and that meal over, he, with his wife—both drenched and cold—immediately started over a long and dangerous road homeward by night.

These peculiar attacks, the members of his family say, were of frequent recurrence during the subsequent years. All acquaintances testify to the amiability and gentleness of his natural disposition. Some, that they feared him when in this mood, and one or two knew him to show signs of violence.

The nervous and restless condition of Beach was shown by the frequent changes of his residence. After his marriage he lived for five or six years in Dushore, Sullivan County. Then he went to Towanda; then to New Bloomfield, Perry County; then to Chicago; then to Newport; then to Altoona, where in a short space of time he lived in six different houses; then again to Newport; then to Sherman's Dale, and then to Harrisburg, where he and his wife separated—it is said they were divorced. This was in November, 1880, after a married life of sixteen years, and the birth of two children, who were taken by and are still with their mother or her friends.

Dr. Beach then went to Altoona, where he made the acquaintance of, and, it is said, married Mary Devine, his second wife—and the deceased.

After a short time he removed to Homer's Station, on the Bell's Gap Railroad; thence to Houtzdale; thence to Jeanesville, and finally back to Altoona, where he lived with his wife (Mary) till the morning of the 7th of April, 1884.

Whilst in Altoona he was retiring and reticent, and mingled but little with the people, beyond his professional intercourse. Some of his patients noticed his abstracted manner within a few days of the 7th of April, and his wife spoke to her relatives and neighbors of his nervousness and sleeplessness, and to one of her sisters expressed fears for her life. Differences were shown to have existed between them, but the watchmaker underneath said her's was the angry, complaining voice, and his was low and subdued. Their quarrels were complaints founded upon their poverty, but acts of violence were unknown. It is said she procured, or sought to procure, medicine for him the night of the killing. He had been in attendance upon protracted meetings of the Lutheran Church of Altoona for some four weeks prior to the 7th April. On Sunday, the 6th April, he united with that church, and participated in the sacramental exercises. The pastor conversed with him on the subject of religion about that time, and noticed that Beach touched upon irrelevant subjects whilst so talking. Others saw him on Sunday, cleanly dressed, visiting and attending to patients, though he talked but little to any one. The evening services in the church at which he was present closed about half-past eight o'clock, and he was next seen on Monday morning at half-past six o'clock, at the house of Levi Knott, announcing the death of his sister Mary.

In the trial of the case the defense further showed the remarkable hereditary predisposition to insanity in the prisoner's ancestors, on both the paternal and maternal sides.

On the paternal side, his grandfather, Nehemiah M. Beach, whilst in advanced life, became insane. His delusions were on the subject of religion, and continued with him till his death.

One of his sons, Stephen—uncle of the prisoner—was insane for many years before his death. He roamed the country bare-headed and bare-footed, one while picking up stones on the highway : at another, tearing down fences to build them up again : stripping himself naked : pretending to raise barns : and singing and praying, and cursing, in the same breath. At times he was violent.

Another uncle, Charles, was idiotic. He never learned his letters, nor to count. He was only able to dress himself, and wander from house to house, a harmless imbecile.

Josiah, another uncle, was a frothing fool. He died in that condition.

His aunt, Laura Ann Peckham, had a son Henry—cousin of the prisoner—who was sane till he was twenty-three years of age, when he became insane, and it was necessary to confine him in the asylum at Harrisburg, where he died.

Nehemiah Beach had a sister, who had a son named Beardsley, who became insane, and died in that condition.

Nehemiah Beach's wife had a brother, who lived and died an idiot.

On the prisoner's maternal side there was a similar state of mental alienation.

His mother was Jane Grace. Her brother Ambrose was a farmer, but believed himself to be the Savior. He went about preaching, and dropping warning letters on the millenium. He died insane.

She had another brother James U. Grace, who died of softening of the brain.

Another brother, Leonard Grace, could never learn either to walk or to talk. He slept upon his knees, and had no mind.

Another half brother, Joseph Grace, was born and died idiotic, at the age of eighteen years.

From such stock on both sides, sprang the defendant, and he himself, after the age of eighteen, had many attacks of mental aberration and insanity. During these attacks the evidence showed his utter incapacity for the discharge of his duties, and a disease that invested him with a gloom, despondency, moroseness, sleeplessness, and perhaps the violent impulse of an uncontrolled will, in absolute contrast with the peaceable and gentle traits of his character. The habits of his daily life, notwithstanding his infirmity, were of sobriety and earnestness, and his social manner was quiet and unobtrusive. It is argued by his counsel that a man with such natural traits, without motive, with no hope of gain, and his heart just softened by the influences of a Christian profession, and with the emblems of a sacred rite still clinging to his hands, could not have committed upon his lonely and defenseless wife a deed whose atrocity is unparalleled, unless he acted under an impulse which no human power could have controlled, or with a

mind veiled in that darkness which had been transmitted to him by his ancestors.

A pardon was asked, because it should have been manifest to the jury that Dr. Beach could not have been sane when he killed his wife. The following facts point to that conclusion :

He had never used any violence on her.

He never threatened her in any way.

There was no evidence of jealousy, and she had no estate.

They had no children, and he could have left her at any time, if life with her was not tolerable.

He was utterly without motive.

He was naturally of a mild disposition, but this killing was the most atrocious the mind can conceive.

He could have fled, and no inquiry would have been made till he was out of the country.

He carefully composed the body, laid the knives at her side, and freely and instantly told her brother and sisters what he had done.

He surrendered himself, and the key of his house, and submitted to all that was proposed to be done with him.

He had been insane a great part of his life, *and had twelve blood relatives insane or idiotic.* This argues strong hereditary predisposition.

He was on that Sunday evening excited, restless, and nervous, and had been for almost four weeks without sleep. She gave him some kind of pills the same night.

His profession of religion on that Sunday argues the absence of any evil purpose, and the deed is in too violent contrast to imply either a healthy mind, or a deliberately formed design.

He was either insane at the time, or the victim of some hallucination, so that he either knew not what he was doing, or was impelled by a power which he could not resist.

Mr. Landis writes me on the subject, on the 11th instant, from whose letter I make a few extracts.

AUG. S. LANDIS, Attorney at Law, 167 Allegheny Street, }
HOLLIDAYSBURG, PA., April 11, 1885. }

MR. CLARK BELL.

MY DEAR SIR :— I had your letter to-day amongst my correspondence, and I hasten to answer it with such little time as I have to spare, in order that you may have it in time for your purpose, as requested.

1. I send enclosed a printed copy of Application to Board of Pardons— in Dr. L. U. Beach case.

2. No application was made in Dr. Beach's case under act of 1883. * * *

3. The medical testimony of those who had attended him during his attacks of insanity, was that he was at those times undoubtedly insane.

As to his mental condition at the time of the killing, the testimony of medical experts was purely upon a hypothetical question framed from the facts testified to. It was conflicting, but the weight of it was that he was at the time insane. We had, I believe, the testimony of nearly all the physicians who had attended him, and they all agreed touching his insanity.

4. The Governor has no power to pardon or commute without a recommendation from the Board of Pardons, but he may himself reprieve. * * *

The testimony is very voluminous and is all in type-writing form, but it could not be removed from the county.

Dr. Beach's dying statement (I have no copy) solemnly asseverates his innocence in that he was entirely unconscious of the act, till completed. He says his wife gave him some pills for sleeplessness before retiring. He dreamed bad dreams all night, and resumed consciousness when his wife's bloody body was before him, in the next room, in the last gasp. He has always persisted in this to me, and so up till he died.

Dr. Beach had not a fair show in one respect. He was tried shortly after the killing, and public prejudice against him was very strong, on account of the atrocity of the act. Recent acquittals elsewhere on the plea of insanity had aroused a public disgust at this sort of defence, and a halt seemed to be demanded. The jurors manifestly shared this sentiment, and conviction was almost inevitable from the beginning. His execution was a mistake. The grade of the crime should not have been higher than murder in the "2d degree," and having been convicted of "1st degree," the Board of Pardons should have recommended a commutation of sentence to imprisonment for life. The element of doubt as to mental sanity so pervaded the case, that he should have had the benefit of it to the extent of sparing his life. But a victim was wanted here, and the Harrisburg people were afraid to interfere.

I can say no more now.

With my regards, I am truly yours,

AUG. S. LANDIS.

Mr. G. H. Spang kindly furnishes information on the subject. I make the following extracts from his letters, dated March 20, 1885, and April 11, 1885:

"OFFICE OF G. H. SPANG, ATTORNEY-AT-LAW, {
"ROARING SPRING, BLAIR CO., PA., March 20, 1885. }

"CLARK BELL, ESQ.:

"MY DEAR SIR: I cannot send you the *evidence* in the Beach case in any other form than it is given in the printed pamphlet I send you by this day's mail. It was gotten up by a reporter of the *Altoona Call*—for speculation, most likely. It is not *official*, but I think may be sufficiently *correct* as to the *insanity proof* to give you a better idea of the case than you have on that point—if you have not seen it before.

"*Exceptions* were filed during the trial; *points* were submitted to the Court; *exception* taken to the *charge*, and *motions* for a *new trial* and an arrest of judgment filed. All were argued and overruled by an able and impartial judge. You have his *charge* in the pamphlet sent. The papers were then prepared for a writ of error. The difficulty which was met from the beginning was again experienced here. I might state that in the preparation for trial it was found that witnesses for defence were scattered over five counties. They were poor, many unable to come, and the Court powerless to order the county to pay their expenses. All that could be done was done, by the Court ordering that the *services of subpoenas* be paid out of the county stock, and *mileage* of witnesses, which would not pay their bills and necessary expenses. The defendant was *destitute*. His father did what he could, and it was but very little, in all I believe less than \$100, toward paying the expenses, printing and all. The writ of error was paid for by Wm Landis; and when no bail could be found, he and myself became sureties in the recognizance. The application for the writ was forwarded at earliest practical moment, but reached the Prothonotary's Office a day too late to be within the time '(20 days) from sentence,' as fixed by the act of Assembly. Application was then made to the Supreme Court for a special allowance, which was refused. The case was then taken before the Board of Pardons, for reasons assigned in the appeal (printed), which will be sent you.

"You ask: 'Was there no step taken to induce the Governor to reprieve, aside from the effort made before the Board of Pardons?' I answer: Under Article 4 Section 9, of our new Constitution, the power of the Governor to grant *commutations of sentence* and pardons, *can only* be exercised 'upon recommendation in writing by the *Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice in open session.*' (These constitute the Board of Pardons.) Having failed to get their 'recommendation,' we could not go before the Governor; nor could we ask of the Governor until we had gone to them *first*. I am writing hurriedly, of necessity, for which I must ask your indulgence.

"Hastily and respectfully, your obedient servant,

"G. H. SPANG."

"OFFICE OF G. H. SPANG, ATTORNEY-AT-LAW, }
"ROARING SPRING, BLAIR Co., PA., April 11, 1885. {"

"CLARK BELL, Esq.:

"MY DEAR SIR—There were no proceedings instituted under the 29th Section of Act of 8th May, 1883. That act, I believe, relates to the admission of insane criminals into hospitals, and requires an *order of court* before they are received, &c. The quest on as to his mental condition—as to the *insanity*—and his requiring *medical treatment* in a hospital would have raised the *real issue* upon the threshold of the case, and the judge's inquiry into the circumstances, either by a *commission*, or otherwise, as he shall deem

proper,' would have resulted (even if a proper case (?)) in no *practical good*.

"The constitutional right of trial by jury was accorded him, but, in his very *destitute* and *lonely*, helpless condition, failed to result in his acquittal, as you know. You have seen, and the papers sent you will clearly show, that the act was *MOTIVELESS*. There was no *malice*, no *revenge* sought, no *wrong* to *redress*, nor was it for *gain*, for the act involved no hope for money, property, or advantage of any kind to be gained. His life was peaceful and gentle, and between him and his wife there was the usual kindness found in well regulated families. The case stated for the Board of Pardons presents the *facts fairly*. The *insanity* of his *relatives*, and his *own condition*, are facts that were all more fully sustained by the evidence than they are given there.

"For your friendly interest, and that of the 'Medical Jurisprudence Society of Philadelphia,' in this matter, I feel grateful.

"Although it can *now* be of no use to the poor, unfortunate Dr. Beach, it may be *beneficial* to *science*, and a *blessing* and *help* to some other 'forlorn and shipwrecked brother,' who, with a clouded mind, and a leaden sky above him, may be called upon, in an unfortunate hour, to answer with his life for a crime that is similar.

"Please advise me of the *action* taken by your Society, and the *result*. With kind regards, believe me, Respectfully yours, G. H. SPANG."

The evidence, as published by the *Alleghena Call*, which counsel say is substantially correct, may be briefly summarized as follows, in respect to his previous attacks of insanity.

It was both medical and lay testimony. The medical was by Dr. D. H. Sweeney, of Clearfield, Pa., the father of the first wife of Dr. Beach. That he was subject to attacks of acute insanity during his early life, for which he had treated him professionally.

Dr. M. F. Terry, of Terrytown, Bradford County, Pa., married a sister of Dr. Beach's first wife, and described his attacks of insanity at various periods of his past life, for which he had, on some occasions, treated him.

The lay evidence was very strong, and was by A. M. Grace and C. S. Grace, of Bradford County, Pa., A. W. Bailey, M. W. Waldner, who had known Dr. Beach from

boyhood, and who detailed his insane attacks at various periods of his life, as far back as his 18th year.

Louis Beach and Charles Beach, his cousins, L. S. Beach, his father, Mrs. Frank Beach, his first wife, Mrs. Mary Terry, her sister, Miss Mary Sweeney, another sister, all testified to various and repeated attacks of insanity at various periods of his life, and described them in their evidence, and no attempt was made by the prosecution to controvert this evidence, so far as the printed pamphlet shows. His first wife, among other things, testified :

That she was married to the defendant in 1864 at Du Shore, Bradford County, and resided there six years. In the spring of 1865 she first noticed the queer behavior of her husband. He would at times stay in his stable and alarm the whole neighborhood by uttering strange, unaccountable cries ; at sundry other times he showed wandering propensities, indicating that his reason was dethroned ; his general disposition when not influenced by moodiness, was kind and pleasant, but it was exceedingly variable during these attacks. He was in every sense a prodigal, scattering his wealth much sooner than he could collect it. During these periods of moodiness, he would neglect his profession entirely and give all his attention to religion and kindred subjects. He had several spells while we were at Harrisburg : they would become more frequent and remain longer : I considered him hopelessly insane.

I read a letter from this lady (who certainly could not be claimed to have been unduly prejudiced in favor of the accused), written to Dr. E. C. Mann, of New York, which, with other letters, were read before the Medico-Legal Society of New York, and forwarded by Dr. Mann to the Board of Pardons, which may be of interest.

JENNINGSVILLE, Wyoming County, Pa.

December 2d, 1884.

DR. MANN.

DEAR SIR : I have received a letter from Dr. Beach requesting me to inform you of his mental condition during our acquaintance. This is my apology for writing you. Dr. Beach had been insane and treated for insanity previous to our marriage, by different physicians. I soon learned that any excitement, particularly of a religious nature or business em-

barrassment, brought on attacks of insanity; his manner at such times was so reticent and apparently so self-possessed that an ordinary observer would not be able to detect his insanity. As time passed on these attacks became worse, and his intellect became weaker, at some periods it amounted to almost idiocy. As these temporary attacks passed off, his mind would brighten and he would be very successful in every thing he undertook, and he would remember very imperfectly everything that had passed. These attacks nearly always commenced with weeping, praying and great mental depression, also the most distressed paroxysm of laughter. These attacks sometimes lasted two or three weeks, sometimes months intervening between if no exciting cause existed; sometimes he was very quiet and easily managed, at other times he was violent and would bear no contradiction. His natural disposition was extremely pleasant and the most forbearing, even under great provocation. He was uniformly kind and gentle to his children and myself in his sane moments. I think there is hardly a case recorded where so many instances of insanity existed in both maternal and paternal ancestors. I presume you have been informed that this tragedy occurred at the close of a three months' religious meeting he had attended regularly. I am not able in any way to express my gratitude to you for the interest you have taken in this unfortunate man. I trust heaven's richest blessings will reward your humanity,

Very sincerely yours.

MRS. FRANK BEACH.

The prosecution introduced a large number of lay witnesses who had known Dr. Beach for several years before the tragedy, who swore that they had always regarded him as sane, and a good physician, Mr. Ebert, Mr. J. W. Otto, Mr. Trexel, Mr. John Flynn, Mr. Haplins, Mr. Bradley, Mr. Fry and Capt. W. H. Jeffries, none of whom were alienists or shown to have any knowledge of insanity, and none of whom had ever known or heard of the attacks, and all of whom supposed him and considered him to be sane. Similar testimony was given for the people by C. B. Struck, W. A. Chase, Geo. W. Kessler, J. Ross Mateer, Jno. A. Smith, James and William Robertson, Bernard Flanigan, Ed. Urtherly, Henry Yon, Rev. M. J. Fiery, Sol. Boyer, Jacob Lawson, Geo. J. Akers, C. C. Shannon, Mrs. A. W. Toner, Mrs. Mary Behm, Mrs. Agnes Knott, Mrs. Jennie Fleck, Levi Knott.

None of these had any knowledge of these attacks, or had ever seen anything wrong or peculiar in his conduct, and their testimony was, that they had never observed anything in his manner or conduct that indicated insanity.

Not a medical witness was sworn by the people, who testified that they had examined him and regarded him as sane.

To the Prosecutor's hypothetical question, Dr. W. C. Roller answered that he should regard such a man as sane, and to the hypothetical question of the defence, "that he should consider such a man rather as a crank than as insane."

Dr. R. Wailles, to the Commonwealth's hypothetical question, said he should not consider such a man insane.

The pamphlet does not furnish the hypothetical question of the people. That propounded by the defence was :

Supposing the following state of facts : A young man eighteen years of age is attacked by some disease lasting for some months, which reduces him physically and leaves him with impaired mind induced by sleeplessness and nervousness, who rises at midnight and goes about to cast out devils from sick people in the neighborhood and is treated for months by several physicians for mental disturbance and insanity.

After an interval of two years, having married, is found by his wife at night in a stable praying loud, refusing at first to return to his house, but remained up all night under the efforts of his wife to quiet him, being helpless : and complaining of pains in the head, and greatly oppressed, and continued more or less so for a week ; had frequent returns of the same kind of spells at shorter intervals and of greater severity, which those who saw him at the time, pronounced insanity ; his conduct during this was irrational, conversation wandering, he taking long imaginary journeys ; proposing wild and extravagant schemes : making reckless purchases ; squandering his and his wife's means ; being peaceable and quiet in his normal condition, and being nervous and gloomy and excessively religious during his abnormal condition : his mind, when so attacked, indulging generally in reading the Bible and praying, although not a professor of religion, or being precipitated into a disturbed condition by attending religious meeting or hearing reference made to the subject.

Having a profession which for success required permanent location, yet roving over the country as his malady increased, not remaining long in any one place, inattentive when in these moods.

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Shown to be nervous and sleepless, strange and peculiar in conversation and appearance up to the day before the commission of the homicide; and for some weeks prior thereto attending from time to time a series of revival meetings culminating with his membership and communion with the church on the night before the killing.

Such man the son of a family having the taint of insanity in both the paternal and maternal branches; on its first a grandfather (Nehemia) insane on the subject of religion; an uncle (Stephen) a wandering lunatic praying, singing and evincing an insane religious zeal, yet praying and cursing and finally dying in an asylum; another uncle (Josiah) who lived and died a confirmed idiot; another uncle (Charles) a helpless imbecile; a cousin (Peckham) who died in an insane asylum; on the other side an uncle (Ambrose Grace) who was insane on the subject of religion; a cousin (Leonard) who died an idiot, and another (Joseph) who was idiotic; another cousin (Beardsley) who died insane, and still another cousin who lived and died an idiot (Theron.)

Such a man and under such circumstances, returning home under the mental strain of solemn religious exercises, who for some days and nights previous had been restless, nervous and sleepless, with pains in the head, finding in his sleeping room a case of amputating knives, making dangerous weapons with which to take life; the opportunity of a sleeping and defenseless wife, with no disclosed motive for taking her life; homicide committed in the most atrocious manner that can be suggested by the imagination; after which the body decently and orderly composed upon the floor, with the weapons used laid by the body; the house locked and instant confession made to the relatives of the deceased, with surrender of the key and his person without desire or effort to escape, in the face of abundant opportunity, and with an appearance and manner of calmness, coolness and deliberateness.

Taking all these matters as true of L. U. Beach, what in your opinion was the condition of the mind of L. U. Beach at the time of the commission of the alleged offense, was he sane or insane?

The *Altoona Tribune*, in publishing an account of his execution, published his last statement, written and signed by Dr. Beach, read by the Rev. E. B. Kellinger from the scaffold, which was as follows:

This is my last statement before God and man concerning the crime for which I am at this moment to suffer the stern edict of the law. I solemnly affirm before my God and Maker, into whose presence I am now to enter, that I was irresponsible at the time for the death of her whose life I am now to atone. I solemnly declare that I did not premeditate her death or had I the faintest idea of taking her life. There was no difficulty at the time be-

tween us for the deed. Our relations to each other at the time of retiring were of the most amicable nature. As I look back to that time, to the night the deed was committed, it seems like a dream. I must certainly have been in an irresponsible state, or in an unconscious condition of mind, resulting from the influence of medicine taken that night, or a delusion of somekind which involuntarily controlled me. Not a single act of the whole tragedy is clearer distinct to my mental vision. All the circumstances indicate that I must have taken her life, for there was no one else there to do it, but I do emphatically deny taking her life wilfully or consciously. I had been in a somewhat excited state of mind for some weeks previous, owing to my anxiety concerning my spiritual condition and a determined disposition to live in the future a strictly religious life. As to my preparations for and a hope of heaven I will refer you for information to my spiritual adviser. It seems hard for one in the prime of life to be the victim of such unfortunate circumstances and to be thus called away. But I am perfectly submissive to God, and reconciled to my fate. I harbor no feeling of animosity against any living man or woman. I forgive all as I know I am forgiven of my Father in heaven : through the merits of His Son, my Saviour, I had hoped that the law would see the true condition of my case at the time, and that I would still be spared to do still more to alleviate the sufferings of my fellow men, but the decree has gone forth and I submit. I return my sincere thanks to my legal counsel, to my spiritual adviser, to the warden and his family, and to all others who have shown me acts of kindness. I hereunto subscribe my name, this twelfth day of February, eighteen hundred and eighty-five.

L. U. BEACH.

The same journal publishes (February 19, 1885), a paper prepared by Dr. Beach, shortly before his execution, dated February 5, 1885, occupying more than a column of that journal, and not signed by Beach, though in his handwriting, which he had intended to have published in pamphlet form and have sold for the benefit of his children, but which he did not finish before his death.

I read a few extracts from this statement, which bears upon his "mental condition :"

THE NARRATIVE OF BEACH.

HOLLIDAYSBURG, February 5, 1885.

This day I was informed by the Sheriff that I would be executed one week from to-day, next Thursday. The Board of Pardons refused to do anything. There were doctors from Altoona who claimed to be experts who

went against me, and I had only A. S. Landis to work for me. I write these lines for the benefit of my children and family. I am innocent of this great crime. I was sick at the time and was not myself. But I will now commence back. * * * *

"I was sick more or less of the time I was in Altoona, that is, from February, 1880, to March, 1881--one year. I was troubled with my head. I had a kind of cerebral stroke, which affected my right side and the back of my head, and gave me constant pain. That was the last of or middle of February, and while I was boarding there in Altoona. I was worried about my wife and children. They were in my mind constantly. If Frank had written for me to come back, I was more than anxious to go." * *

"As to the morning of the 7th of April, I did not rest well that night. I had been sick a month before, with pains in my head and a bad feeling more or less of the time, for which I was taking medicine. Mary was urging me to do more for myself. Several different times I could not rest, and when I would be sitting down for the three days before, I would think I saw some persons standing beside me, when there was no one in the room; sometimes there were two or three. I became alarmed about myself, and would go out and walk around until I had walked myself into a calmer mood. I had severe pains in my head, in the back of my neck, and down my spine. When the deed was done I think I must have been asleep, for it seems like a dream to me. I remember seeing a snake, and it seemed to me that I was fighting it. My first waking realization was of Mary standing by the door, and I took the knife from her throat. It seemed at first as though it was sticking in her throat, and I pulled it out. I was frightened at what was done. I eased her down on the floor and straightened her limbs out. As she went down she spoke to me. She said: 'Dearie.' I hurried and put on my clothes and went to her father's, my purpose being to tell Levi Knott before he started for the farm. It was 5.30 o'clock A. M. I went through the barn thinking he might be there, preparing to go to the farm. He was not there, and I went to the house. I always went to the house that way. I told Levi that Mary was dead. I was so overcome with grief that I did not know what to do. He took me from there to the Mayor's office; we overtook the Mayor going down. I asked Levi at the house what he wanted me to do. I felt so faint and weak I could hardly walk. I stayed there till afternoon; they got me some bread and coffee, but I could not eat. I could not sleep for a month after I was here, and had pain in my head and breast for over two months. I was so overcome with grief I could not eat or sleep. I have averaged about two and one-half hours for my sleep. I could not do anything for myself for grief and sorrow. I would ask myself how this thing happened. I could not think I did such a thing. If that case had not been so handy, I know it would not have been done. I had no premeditation or thought of doing it, for I often thought, what would I do without Mary E. She was happy there in our rooms, and would often say: 'Here is where I am happy,' telling me several times a day if she had been out, and at other times."

The editorial comment of that journal was as follows :

"The sad end of this man may not be without its beneficial lesson to other men of a homicidal turn of mind. The defense was insanity, and it was most ingeniously pressed upon the attention of the jurors by the murderer's counsel. It was a popular plea ; a plea which has cheated the gallows of many a criminal, and which has so filled our insane asylums that the State Board of Charities are actually asking the Legislature to provide a separate prison for the safe-keeping of 'insane murderers.' In this case, however, the plea did not avail. And if men who are contemplating murder in the hope of escaping death by the plea of insanity, emotional or otherwise, will take warning by the fate of Dr. Beach, he will not have died in vain."

Dr. E. C. Mann stated before the Medico-Legal Society of New York that he had forwarded affidavits from physicians and others to the Board of Pardons, but I have not been able to obtain copies of the papers sent by him.

I read also from the same journal an extract, showing his intention to commit suicide, and how he obtained the poison, and the circumstances attending his change of purpose, made on the authority of his spiritual adviser, Rev. E. B. Killinger :

"Had it not been for the religious influence of the Rev. E. B. Killinger, in all probability the gallows, Thursday, would have been cheated of its victim. Notwithstanding the precautionary measures taken by Warden Kephart, Beach had poison enough in his possession at 4 o'clock on Wednesday afternoon to have placed himself beyond the reach of the hangman's rope. The teaching of this reverend gentleman had such influence and power over the mind and conscience of the condemned man, that he determined to change his purpose to take his own life, lest his chances for happiness in the next world would be impaired. To make sure of this blessed peace, he concluded to let the law take its course, and as a result, on Wednesday afternoon, when Rev. Killinger came to see him, Beach said :

" 'You have been an angel of light to me. Had it not been for you, I could and would have taken my life long ago.'

"He then took from his pocket a little package, done up in brown paper, and said :

" 'This paper contains enough poison to have produced my death in three hours.'

"The reverend gentleman then told him that he should not for a mo-

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ment think of taking his own life, and asked him to give the poison into his hands. He did so willingly. The paper contained twenty small pills, each pill containing one grain of morphine, and enough to produce death. The manner in which Beach procured the drug and kept it secreted is of rather an interesting nature.

"Shortly after Beach was incarcerated, he complained of neuralgia in his face, and asked for something to ease the pain at night. A physician of Hollidaysburg was called in and presented morphine, giving positive orders to the warden to give the prisoner but two pills each day and to see that he swallowed them. But Beach managed to deceive the warden, in the following way: When he was given the pills he would place them in his mouth and take a drink of water, pretending to swallow them. Instead of doing this, he placed the pills between his tongue and cheek, and after the warden had gone, took them out and secreted them.

"When he found there was no hope for him, and suspecting that he would have to change clothing and be searched as well, he placed the morphine in the hem of a new undershirt, which he had never worn, and hung it up on the wall of his cell. When he was ordered to another cell, he picked up the garment and took it with him, and after the examination put it on. Thus it can be seen that it was through no fault of his guardians that he obtained the poison. Yet had he decided to do so he could easily have died by his own hands. The above are facts and can be substantiated by Rev. E. B. Killinger."

The autopsy was conducted by Drs. Geo. W. Smith and W. C. Roller, of Hollidaysburg, and J. W. Johnston, of Claysburgh, while a large number of medical men were present. The brain was removed, and sent to Prof. Tyson, of Philadelphia, who, in connection with Dr. C. K. Mills, have nearly completed an examination of it.

Through the courtesy of Dr. Geo. W. Smith, I am enabled to read a note received from Prof. Tyson this evening since I arrived at Philadelphia, in response to my request to furnish me with any data he could now give as to the brain of Dr. Beach.

I read his short note:

APRIL 14, 1885.

CLARK BELL, ESQ.

MY DEAR SIR: I regret very much that my engagements this evening will not permit me the pleasure of listening to your address. But I send

you the essential parts of my report, the most important of which is that of Dr. Mills on the surface examination.

Very truly yours, JAMES TYSON.

Dr. Mills reports on the surface examination of the brain "a lack of symmetry between the two hemispheres of the brain, an asymmetry distinctly atypical. The Sylvian fissure of the left side, for instance, extended upward and backwards nearly to the median edge of the hemisphere, the corresponding fissure of the right side being much shorter and about in the usual position. Some of the larger fissures showed a marked tendency to confluence. Foetal and ape-like conditions were present in unusual numbers. Some of the frontal fissures and convolutions, for example, were of a low type and simple character, and one of the bridging convolutions between the occipital and parietal lobe present in the ape, but scarcely ever seen in man, was here strikingly developed. This is a rare anomaly in the human brain."

I have to report, for myself, that in the examination of a large number of sections from different situations, including membranes, convolutions, and blood vessels, no abnormalities of structure were detected.

From the foregoing observations, there would seem to be little room for doubt among intelligent alienists as to the insanity of Dr. Beach.

The lesson of this case for the State of Pennsylvania is plain."

While the Governor of your State has unquestionably the right and power to order an inquiry after sentence and conviction in capital cases, and while this power has been heretofore exercised in the history of the State, there is no statute making it incumbent upon him to do so, or to compel him to act.

While the Governor has the power of reprieve in Pennsylvania, he has not the power of pardon or commutation of sentence, except on the recommendation of the Board of Pardons.

The law adopted in New York should be enacted in your State, requiring the Governor to order an inquisition in all cases where there is a reasonable doubt as to the sanity of

a condemned prisoner, and, if found insane, the Governor should be authorized to order the condemned to a State Hospital for the Insane, in case you have no asylum for the criminal insane, a want which I trust will not exist much longer in this great Commonwealth. The State of Pennsylvania, under her recent enlightened legislation, now occupies the foremost place among the States of the American Union in that great work of Lunacy Reform now engaging the attention of thoughtful minds throughout the civilized world.

If the Medical Jurisprudence Society of Philadelphia can be instrumental in arresting public attention, so as to prevent the public execution of insane homicides, under and by virtue of wise provisions of law, which will uphold the honor and dignity of the State, the due administration of justice, and the public confidence in and respect for the majesty of law, it will have accomplished a useful purpose, and merited that recognition which the French Empire awarded to our sister Society of France, as "having been established for the public good.

NOTE- The cut of Dr. Beach accompanying this paper is from a photograph furnished by the Sheriff who executed Dr. Beach, and who states that it was taken shortly before execution.



DR. L. U. BEACH.



MEDICAL JURISPRUDENCE SOCIETY OF PHILADELPHIA.

THE tenth stated meeting of the Medical Jurisprudence Society of Philadelphia was held on Tuesday, April 14th, at the usual time and place, Dr. John J. Reese, First Vice-President, and later in the meeting Hon. Wm. N. Ashman, in the chair.

Members : Messrs. J. L. Jones, S. P. Jones, Reese, Mills, McConnell, Morton, B. Lee, Hazelhurst, Ashman, Coggins, Livingston, Beeber, Bennett, Cadwallader, Shakespeare, Packard, Clark, Ashhurst, Andrews, Strittmater, S. S. Cohen, Lautenbach, Perkins, Leffmann, and a number of visitors.

Mr. Clark Bell, of the New York Bar, read a paper, entitled, "Should we Hang the Insane Who Have Committed Homicide?"

The paper was discussed by Messrs. Mills, Morton, and Clark.

On motion, the thanks of the Society were extended to Mr. Bell, and a copy of the paper was requested for publication.

After informal business, the Society adjourned. The discussion was as follows :

MR. J. M. CLARK :

When insanity is depended upon as a defense in a murder trial, the question always arises whether the person who committed the homicide was really insane or not. The difficulty encountered in sustaining this defense is that the mass of people have a very incorrect idea of what insanity is. They suppose that an insane man is one who cannot reason, or who cannot arrive at a correct conclusion on any

subject, or who cannot, under any circumstances, act rationally. The average jurymen starts with this preconceived idea fixed in his mind; yet those of us who have had the opportunity of frequent intercourse with insane people, even in an unprofessional way, know that an insane man may be as rational on very many subjects as we are ourselves, and that it is only occasionally that the fact crops out that the intellect is deranged. But the jurymen, without any opportunity of having acquired this knowledge of the peculiarities that frequently accompany partial insanity, finds it difficult to believe that a man, who attends to the ordinary business of life in a rational and intelligent manner, and who makes his living, as other people do, in some regular avocation, can suddenly be seized by an irresistible impulse that compels him to commit some atrocious crime for which he is irresponsible.

But still every man who is on trial in this State charged with homicide, and whose defense depends upon the question of his sanity, has a very fair chance of having his defense impartially considered by a competent authority.

In the case referred to the Supreme Court could have reviewed the whole matter. I do not know whether this was done, but suppose from the statement of the case we have heard that no such step was taken. It was certainly a case that should have gone up to the Supreme Court for review. The defendant, in such a case, always has the advantage of the rulings and the supervision at the trial of a learned and impartial judge. If he has been convicted by the ignorance or prejudice of the jury, it is always within the power of the judge, before whom the case was tried, to grant a new trial.

I do not know the merits of this particular case, because we have only had one side of it disclosed to us. According to the present showing, the conclusion arrived at by the jury appears to have been very erroneous. It certainly seems a very extraordinary mistake, on the part of the jury, to have convicted the defendant, after it had been proved before

them that ten of his relations had suffered from insanity or idiocy, and that he had an hereditary taint of madness in his mental constitution. In former times insanity seems to have been confounded with wickedness, which fact is illustrated by a remarkable case which occurred in Philadelphia in the early part of this century.

A young man started up Chestnut street with a gun, saying that he intended to kill the first man he met. When he reached Broad and Chestnut streets, which was then in the country, he entered a tavern and saw a stranger practising at billiards. He said to him, "I will show you a better shot than that," and, discharging the gun, killed him.

The young man was tried for murder, convicted, and hanged.

This man must have been insane, and, no doubt, if he had been tried within the last twenty-five or thirty years, would have been acquitted. The question is whether we shall hang the insane who commit homicides? No humane person can answer this question in the affirmative. Self-interest will deter us from such determination.

We and our relatives and friends are as liable as others to become insane, and under such circumstances it is impossible to say what offenses we might commit.

I do not see how the hanging of one insane man will deter another insane man from committing the same offense.

Still, too great laxity in allowing the defense of insanity to prevail would be injurious to the community.

DR. THOMAS G. MORTON : I did not expect to say anything on this subject, but as Mr. Bell has spoken of the Governor of the State of Pennsylvania as being unable to appoint a commission to enquire into the mental condition of criminals after conviction, I may state that some ten years ago, Heidenbluth, a criminal, was sentenced to be executed, and doubts being raised at that time as to the prisoner's sanity, Governor Hartrauft appointed a commission to report upon the mental condition of the prisoner, and without any ap-

peal to the Board of Pardons ; the prisoner was found to be sane and was executed.

In regard to the case discussed by Mr. Bell, we have heard all that could be said of the prisoner's insanity, but I should have been glad to have heard the commonwealth side of the case, so that we might have known the reasons why the Governor issued the death warrant.

I should like to say one word more. That is in reference to establishing a hospital for the criminal insane, which has been referred to this evening. It has been lately a question with many if this would be expedient. It seems that this class of the insane should have the same opportunities for treatment that other insane have, and not to be specially congregated together as criminals. I will be glad to hear the views others have on the subject.

DR. CHARLES K. MILLS said : Mr. President, this subject is one in which I have long had a deep interest, and I have listened to Mr. Bell with profit and interest. The reading of this paper has opened a number of side issues in connection with the one special question which is the issue of the paper. For my own part, I wish to say that I do not believe we should hang insane people who kill.

As to whether the insane who commit homicides should be prevented from doing harm to others in the future, I have, however, a very decided opinion. I believe they should be so prevented by most stringent measures short of capital punishment. I think it even advisable in some cases, where no other proper remedy is provided, to see that such lunatics are kept within prison walls.

In this State, unfortunately—a fact of which Mr. Bell may not be aware—we have no asylum for insane criminals ; and I think this is one of the greatest of our public needs. It is a subject which has frequently been called to the notice of the Legislature. I do not think that this Association could do anything that would be of more value than to begin a movement to this end. Our Penitentiary contains a large

number of men who are undoubtedly insane, and who are detained there in part for the reason that no better provision for them elsewhere has been made.

The popular practical objection to persons who are insane escaping capital punishment seems to be the danger that the community may be in from them afterwards. It is said that if these people are acquitted on the ground of insanity, they are likely to be let loose again in the community, again to do deeds of violence and blood. But this is the fault of the law, or of the administration of the law, and as two wrongs cannot make a right, why commit the great wrong of hanging the insane and irresponsible?

As to the effect of capital punishment inflicted upon the insane, I have grave doubts. I have a book here which, I presume, is little known in this country. It is written by an English medical jurist, Wm. A. Guy, M. B. In this book among other questions, the author discusses the effect of the punishment of death on the weak-minded and insane with reference to the question of crime in the future.

He selects a great number of cases in England. Taking the years following the trial and execution of these criminals, some of whom were insane, he shows the increase or decrease of murder in the years following. That is a general statement of his plan. It is one of the methods of trying to get at a question of this sort. In this period of about thirty years murders increased in the years following executions. He also discusses the question of the effect of acquittal on the ground of insanity, and he comes to the following among other conclusions: "The figures would seem to justify the inference that neither to the sane nor to the insane class among our criminals does the prospect of long imprisonment, or detention for life in a lunatic asylum, offer any attraction or temptation; while the punishment of death (perhaps only as formerly inflicted) seems as if it might exercise a certain attraction or fascination."

We had a man hanged a year or two ago in the city, about

whose sanity or insanity there was great public excitement. We have apparently had an increase of capital crimes since ; the Sheriff remarked to me that if matters continued as they were he would have a man to hang for nearly every month in the year.

In the particular case of Beach, I have little doubt that a great wrong was inflicted in the execution of this man. The paper that has been read here to-night is sufficient to show this.

I certainly agree with what Mr. Bell has said, with reference to juries, having watched many trials where the question of insanity was at stake. We have seen a case of this sort in this very city ; five or six medical men have gone to the witness stand to show the existence of insanity with no medical opposition whatever, and yet in ten minutes the person has been declared sane.

Three or four years ago, I do not remember exactly how long, a man killed his mother in the lower part of this city under circumstances of peculiar atrocity. I was asked by the attorney who had charge of the case to examine this man, and go upon the witness stand as an expert in the conduct of his defence. It was found that this man was an epileptic since his early childhood. I examined him with another physician, and at the time of examination no evidences of insanity were found. A study of the case, however, and of the manner in which the crime had been committed, showed that almost without question this man had done his dark deed during one of the attacks of mania, which are known to follow or substitute epileptic convulsions ; but I am well convinced that if he had ever come before a Philadelphia jury he would surely have been hanged. He saved the commonwealth the trouble of hanging him by hanging himself.

I have had the opportunity of examining the brains of five men—insane men—who have killed others, four of whom were publicly executed. There is a lack of information in

the general community, and even in the medical and legal professions, as to what you would expect to find after death in cases of this kind. Mr. Bell has very well stated the matter, however, when he says that with our present methods of research we may find undoubted evidence of insanity in some cases, but in others no evidences can be found, and they may have been insane nevertheless. The evidence may not be of disease, but of defective development in form or structure.

The brain of Beach was one of the most peculiar I have ever seen. It was in rather a bad condition when it reached Philadelphia, owing to the way it was sent. It was one of the most remarkable brains, as regards the surface marking, that was ever studied. I purpose, at some future time, to present the result of the examination more fully.

It is supposed that a great number of people are acquitted on the ground of insanity; but I believe that if the facts are studied carefully it will be found that more insane people are convicted as sane, than there are sane people acquitted on the ground of insanity.

Mr. CLARK BELL, in closing the discussion, said: I am very glad to learn that the previous Governors appointed commissions, independently of the statutes. My view is to make it the duty of the Governor by law to appoint commissions in these cases. I did not intend to present one side of the case; I have the entire evidence as it was reported in the press, but the newspapers and probably the jury were influenced by the idea that the defence had no merit and was merely an attempt to get the man off. The Judge charged fairly in many respects for the prisoner, but the jury probably were of the opinion that Dr. Beach had sufficient intelligence to know the nature and consequences of his act, and they may have held him therefore responsible. The question which is submitted here may have never entered the minds of the Judge or jury. The idea that he had an epileptic attack that morning seems not to have been discussed

or suggested. Under the charge of the Judges in similar cases, the juries even in doubtful cases may convict if they believe that the accused person had enough intelligence to comprehend the nature and legal consequences of his act. They may find the accused responsible for his act even though they believe he is insane. Juries convicted in all the cases I have cited. They did not regard insanity as a defence. A man may be responsible—though insane—in the average jurymen's mind, under the charges now frequently made by the Court.

